SINGLE BENCH (2)

(1) C.S.100/

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 5787/2005

PETITIONER

Krishan Kishor Tiwari,
S/o. Shri Banshi Lal Tiwari,
Aged about 23 years,
R/o. Village Dullapur Bazar, Tahsil Pandariya,
District Kabirdham (C.G)

5926/05
P.R. No. R.K. Pali
Presented dated 16.11.05

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through its Secretary,
Department of Panchayat & Rural Development,
Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Collector,
Kabirdham (C.G.)

3. Chief Executive Officer,
Janpad Panchayat Pandariya,
District Kabirdham (C.G)

4. District Education Officer,
Kabirdham (C.G.)

5. Krishna Kumar,
S/o. Shri Chhavi Das,
Aged about 24 years,
R/o. Village & P.O. Polmi, Tahsil Pandariya,
District Kabirdham (C.G)

6. Badri Prasad,
S/o. Shri Sudhram,
Aged about 26 years,
R/o. Village & P.O. Bodtarakhurd,
Tahsil Pandariya,
District Kabirdham (C.G)

7. Ghanshyam
S/o. Shri Tiblu,
Aged about 27 years,
R/o. Village Kumhi,
P.O. Bodtarakhurd,
Tahsil Pandariya,
District Kabirdham (C.G)

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8. Mohan Kumar,
S/o. Shri Jhanglu Ram,
Aged about 20 years,
R/o. Village Khairwar,
P.O. Bodtarakhurd,
Pandariya,
District Kabirdham (C.G)

9. Kanshiram,
S/o. Shri Bhakdu Ram,
Aged about 28 years,
R/o. Village Manjhol,
P.O. Dhobdhatti,
Tahsil Pandariya,
District Kabirdham (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS ETC.

XI-HC-78

(65)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P.5287/**सन्** 200 5

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4-7-2006

Mrs. Fouzia Mirza, counsel for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the State/respondents No.1, 2 & 4.

Mr. Pankaj Shrivastava, counsel for respondents No.5 to 9.

Heard.

By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned the appointment of respondents No.5 to 9 on the post of Shiksha Karmi Grade-III on the ground that they have been appointed on the open category seats i.e. unreserved free category, whereas, they belong to OBC & SC categories and stand in the waiting list of OBC & SC categories, therefore, they cannot be appointed against the open category.

The petition is fully misconceived for the reason that open category is meant for all, whether he is an open category candidate or OBC, SC, ST or female candidate. Even the candidates of OBC, SC, ST & female who stand in the merit of open category seats are entitled for appointment as open category candidate.

Learned counsel for the petitioner very fairly stated that the marks secured by respondents No.5 to 9 are more than the marks secured by the petitioner and they are more meritorious than the petitioner.

In view of the above statement, the appointment of respondents No.5 to 9 is in accordance with the scheme and rules, as such the petition has no force, same is liable to be dismissed and it is hereby dismissed. No costs.

Consequently, I.A.No.1831/2006 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Soma
27-7-06
13/8/06